



226893

Law Department
500 Water Street, J150
Jacksonville, FL 32202
TEL. 904-359-1305
FAX. 904-245-3892
Kathryn_Barney@CSX.com

FEE RECEIVED

APR 26 2010

KATHRYN R. BARNEY
STAFF ATTORNEY

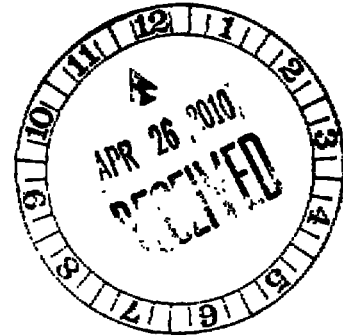
Admitted in FL

April 23, 2010

Via Overnight Express Mail

SURFACE
TRANSPORTATION BOARD

Cynthia T. Brown
Chief of the Section of Administration, Office of Proceedings
Surface Transportation Board
395 E Street, SW
Washington, DC 20423



**Re: Docket No. AB-55 (Sub-No. 702X), CSX Transportation, Inc. —
Abandonment Exemption—in Marion County, Indiana**

Dear Ms. Brown:

Enclosed are the original and 10 copies of a Petition for Exemption for abandonment in the above-entitled proceeding and a filing fee of \$6,300. Also enclosed is a computer diskette containing the Petition.

Please time and date stamp the additional copy of this letter and return it to me in the enclosed self-addressed, stamped envelope. Thank you for your assistance.

If you have any questions please call or email me.

Sincerely yours,

Kathryn R. Barney

Kathryn R. Barney

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Office of Proceedings

APR 26 2010

Part of
Public Record.

Enclosures

FILED
APR 26 2010
SURFACE
TRANSPORTATION BOARD

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BEFORE THE
SURFACE TRANSPORTATION BOARD

FILED
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SURFACE
TRANSPORTATION BOARD

DOCKET NO. AB-55 (Sub-No. 702X)

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SURFACE
TRANSPORTATION BOARD

CSX TRANSPORTATION, INC.
-ABANDONMENT EXEMPTION-
IN MARION COUNTY, INDIANA

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Public Record

PETITION FOR EXEMPTION

Kathryn R. Barney
CSX Transportation, Inc.
500 Water Street
Jacksonville, Florida 32202
(904) 359-1305

Attorney for: CSX TRANSPORTATION, INC.

Dated: April 26, 2010

BEFORE THE
SURFACE TRANSPORTATION BOARD

DOCKET NO. AB-55 (SUB-NO. 702X)

CSX TRANSPORTATION, INC.
-ABANDONMENT EXEMPTION-
IN MARION COUNTY, INDIANA

PETITION FOR EXEMPTION

CSX Transportation, Inc. ("CSXT") petitions the Surface Transportation Board (the "Board") to exempt, under 49 U.S.C. § 10502, CSXT's abandonment of a 0.82-mile rail line from the prior approval requirements of 49 U.S.C. §§ 10903 and 10904 (this "Petition").

Proposed Transaction

CSXT proposes to abandon a line of railroad in its Northern Region, Great Lakes Division, Indianapolis Terminal Subdivision, between Milepost QSZ 3.60 and Milepost QSZ 4.42, a distance of 0.82 miles, known as the Speedway Running Track, in Indianapolis, Marion County, IN (the "Line").

The Line traverses through United States Postal Service ZIP Code 46222, and there are no stations on the Line. Maps showing the trackage proposed for abandonment, as well as the location of the trackage in the State of Indiana, are attached to this Petition as Exhibit A. The Environmental

Report required by 49 C.F.R. §1105.7 and the Historic Report required by 49 C.F.R. §1105.8 are attached as Exhibits B and C, respectively, to this Petition. Attached as Exhibit D is the Federal Register notice, Exhibit E is the certificate of publication, Exhibit F is the certificate of service, and Exhibit G is a letter from Heritage-Crystal Clean (“HCC”) supporting exemption of the abandonment and exemption from the offer of financial assistance (“OFA”) process.

Based on information in our possession, the Line does not contain any federally granted right-of-way. Any documentation in CSXT’s possession concerning title will be made available promptly to those requesting it.

Potential Future Use of the Line as Industrial Track Supports Abandonment

For the past several years, the Line has only been used to serve Heritage-Crystal Clean (“HCC”) which is located near the beginning of the Line (i.e., milepost QSZ 3.60). HCC has expressed interest in acquiring and maintaining the line to allow for expanded intra-plant operations and rail use, and has executed a letter of non-opposition to the abandonment of the Line (see Exhibit G). HCC does not want to become a common carrier and hold itself out to provide service to other shippers. CSXT does not expect any rail oriented business to develop on the Line; there is no overhead traffic on the Line; and there is no demand for service on the Line, other than from HCC. Therefore, CSXT is filing this Petition to request the Board’s exemption to abandon the Line for the purpose of reclassifying the track to excepted track under 49 U.S.C. §10906 so that it can be sold or leased to HCC and HCC can avoid becoming a common carrier.

Because the CSXT serves only one shipper over the Line and that shipper wants to operate the Line as excepted track to enhance its intra-plant operations, the Line is no longer needed for common carrier purposes, and retention of the Line as regulated track by CSXT is no longer

necessary. In addition, CSXT has not been advised of any opposition to the abandonment, does not expect any such opposition and, as mentioned above, has received a letter of non-opposition from the only shipper on the Line, HCC.

Argument in Support of Abandonment

CSXT files this Petition under 49 U.S.C. § 10502 for an exemption from the provisions of 49 U.S.C. § 10903, in order to abandon the Line for purposes of reclassifying the track so that it can be sold or leased to HCC. Under 49 U.S.C. § 10903, a rail line cannot be abandoned without the prior approval of the Board. However, under 49 U.S.C. § 10502, the Board must exempt a rail transaction from regulation when it finds that:

- (1) application of the pertinent statutory provisions is not necessary to carry out the rail transportation policy of 49 U.S.C. § 10101; and
- (2) either (a) the transaction is of limited scope or (b) regulation is unnecessary to protect shippers from the abuse of market power.

In this case, the proposed abandonment falls squarely within the statutory standards requiring exemption.

The rail transportation policy set forth in 49 U.S.C. § 10101 requires, as relevant here, that in exercising its regulatory authority, the Board will minimize the need for Federal regulatory control over the rail transportation system and, when regulation is necessary, render fair and expeditious regulatory decisions; reduce barriers to exit from the industry; foster sound economic conditions and encourage efficient management; ensure the operation of transportation facilities and equipment without detriment to the public health and safety; and promote a sound transportation system meeting the needs of the public and the national defense.

Exemption of the proposed abandonment serves all of these elements of the above rail transportation policy. Specifically, by minimizing the regulatory expense and time lag inherent in a full abandonment application, exemption will expedite regulatory decisions and reduce regulatory barriers to exit. Exemption will also foster sound economic conditions and encourage efficient management. As earlier indicated, the only rail patron located on the line has filed a letter of non-opposition to the proposed abandonment (see Exhibit G) and has expressed an interest in acquiring and maintaining a portion of the Line. Therefore, the Line is no longer needed by CSXT for common carrier purposes and retention of the Line by CSXT is no longer justified, as the proceeds from the sale or lease of the assets dedicated thereto can and should be used elsewhere. *See The Indiana Rail Road Company-Abandonment Exemption-in Martin and Lawrence Counties, IN*, STB Docket No. AB-295 (Sub-No. 7X) (STB served March 26, 2010) at 6.

Because there are no longer any rail transportation customers on the Line other than HCC, who does not oppose the abandonment, it is clear that the proposed abandonment presents no opportunity for an abuse of market power. Further, the proposed abandonment is of limited scope, because it involves only 0.82 miles of trackage in one county in one State.

In short, full abandonment proceedings are unnecessary to carry out any of the relevant rail transportation policy elements of 49 U.S.C. § 10101. No vital interest of shippers, competitors or communities will be adversely affected, and the abandonment exemption CSXT seeks here will free it from the burdens associated with ownership and maintenance of the line.

Argument in Support of Offer of Financial Assistance Exemption

The sole user of the Line, HCC, has concluded that it no longer requires CSXT to provide common carrier service. HCC and CSXT have also determined that once the Line is abandoned,

that the best use of the Line is for CSXT to reclassify it as excepted track and for HCC to acquire the Line as excepted track so that HCC will not incur a common carrier obligation. HCC intends to use the Line for continued and expanded intra-plant operations and rail use. Allowing a third party to take advantage of the OFA provisions to force HCC to use its service when HCC, the only shipper, on the Line, has other plans to use the Line to improve its business and to provide internal rail operations would be contrary to the rail transportation policy and could result in an abuse of market power.

Permitting the abandonment to become effective without application of the OFA condition will minimize the need for federal regulatory control over the rail system, expedite the Board's regulatory decisions, and reduce the regulatory barriers to exit from unprofitable rail service. 49 U.S.C. § 10101(2) and (7). Exemption from the OFA process will also encourage honest and efficient management under Section 10101(9). CSXT and HCC will be allowed to conclude an agreement whereby HCC will provide for its internal rail service needs without fear that a third party will seek to use the regulatory process to insert itself into the middle of a transaction that has been worked out between the railroad and the shipper, especially where no other shippers are affected. Through the OFA process, a party could seek to provide common carrier service and to charge HCC for services that HCC has determined that it can best provide for itself without regulation.

In this proceeding, CSXT is not proposing to terminate rail service. Instead, once CSXT receives abandonment authority, it will reclassify the Line to excepted track and then transfer the Line to HCC so that HCC can perform intra-plant operations on its own. The OFA process is intended to "assist shippers who are sincerely interested in improving rail service." H. Rept. 96-1430, p. 125 (Sept. 29, 1980). The OFA process is not needed in this proceeding because CSXT and HCC have voluntarily agreed on a transaction that will allow HCC to preserve the rail service that it

needs. The involuntary insertion of a third party into the process, along with the potential rates and charges it would require HCC to pay for services that HCC has decided to provide for itself could well result in an abuse of market power.

The Board and its predecessor, the Interstate Commerce Commission have granted exemptions from 49 U.S.C. § 10905 where the right-of-way is needed for a valid purpose and there is no overriding public need for continued rail service.¹ Even though HCC is not seeking to acquire the Line for a public purpose, CSXT contends that the Line meets these criteria.

HCC is the only user of the Line. HCC intends to acquire the Line from CSXT for continued and expanded intra-plant operations and rail use. The imposition of an OFA condition would delay, if not completely thwart, the acquisition of the Line by HCC. The acquisition could be delayed for at least six months, if not more if this abandonment were subjected to an OFA condition. HCC use of the Line, without the common carrier obligation would be delayed, if not thwarted. Indeed, the purpose of the OFA provisions is to preserve rail service where the railroad is seeking to abandon the line and terminate rail service. That is not the case in this proceeding. CSXT is seeking authority to abandon the Lines so that it can reclassify the Line to excepted track and then transfer the Line to HCC so that HCC can use the Line for the rail services it needs for its facilities. In addition, no other shipper is involved or would be affected.

¹ See, *Doniphan, Kensett and Searcy Railway—Abandonment Exemption—In Searcy, White County, AR*, STB Docket No. AB-558X (STB served May 6, 1999); *Union Pacific Railroad Company—Abandonment Exemption—In Salt Lake County, UT*, STB Docket No. AB-33 (Sub-No. 116X) (STB served September 30, 1998); *K & E Railway Company—Abandonment Exemption—In Alfalfa, Garfield, and Grant Counties, OK and Barber County, KS*, STB Docket No. AB-480X (STB served December 31, 1996); and *Southern Pacific Transportation Company—Discontinuance of Service Exemption—In Los Angeles County, CA*, ICC Docket No. AB-12 (Sub-No. 172X) (ICC served December 23, 1994).

The Line is not needed for common carrier rail service. The only purpose for the Line is use by HCC.

Environmental Report; Historic Report

The Environmental Report required by 49 C.F.R. §1105.7 and the Historic Report required by 49 C.F.R. §1105.8 are attached as Exhibits B and C, respectively, to this Petition.

Federal Register Notice

The Federal Register Notice is attached as Exhibit D.

Labor Protection

The interests of railroad employees of CSXT who may be adversely affected by the proposed abandonment will be adequately protected by the labor protective conditions as stated in Oregon Short Line R. Co. -- Abandonment -- Goshen, 360 I.C.C. 91 (1979).

Notices

All communications with respect to this Petition should be directed to:


Kathryn R. Barney
CSX Transportation, Inc.
500 Water Street
Jacksonville, Florida 32202
(904) 359-1305

The newspaper notice required by 49 C.F.R. § 1105.12 was published in the *Indianapolis Star* on April 22, 2010.

Conclusion

CSXT accordingly requests that the Board grant an exemption from the provisions of 49 U.S.C. §§ 10903 and 10904, with regard to the proposed abandonment of the Line.

Respectfully submitted,

A handwritten signature in black ink, reading "Kathryn R. Barney". The signature is written in a cursive style with a horizontal line underneath the name.

Kathryn R. Barney
CSX Transportation, Inc.
500 Water Street
Jacksonville, Florida 32202
(904) 359-1305

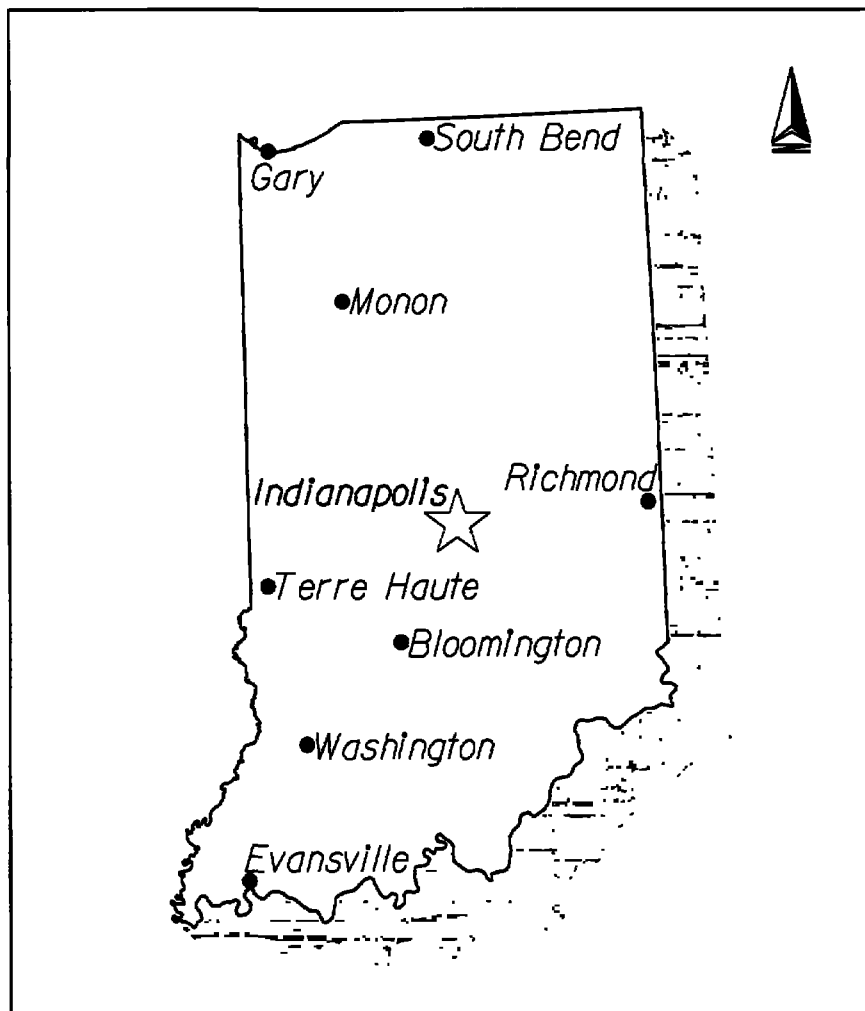
Attorney for: CSX TRANSPORTATION, INC.

Dated: April 23, 2010

EXHIBIT A

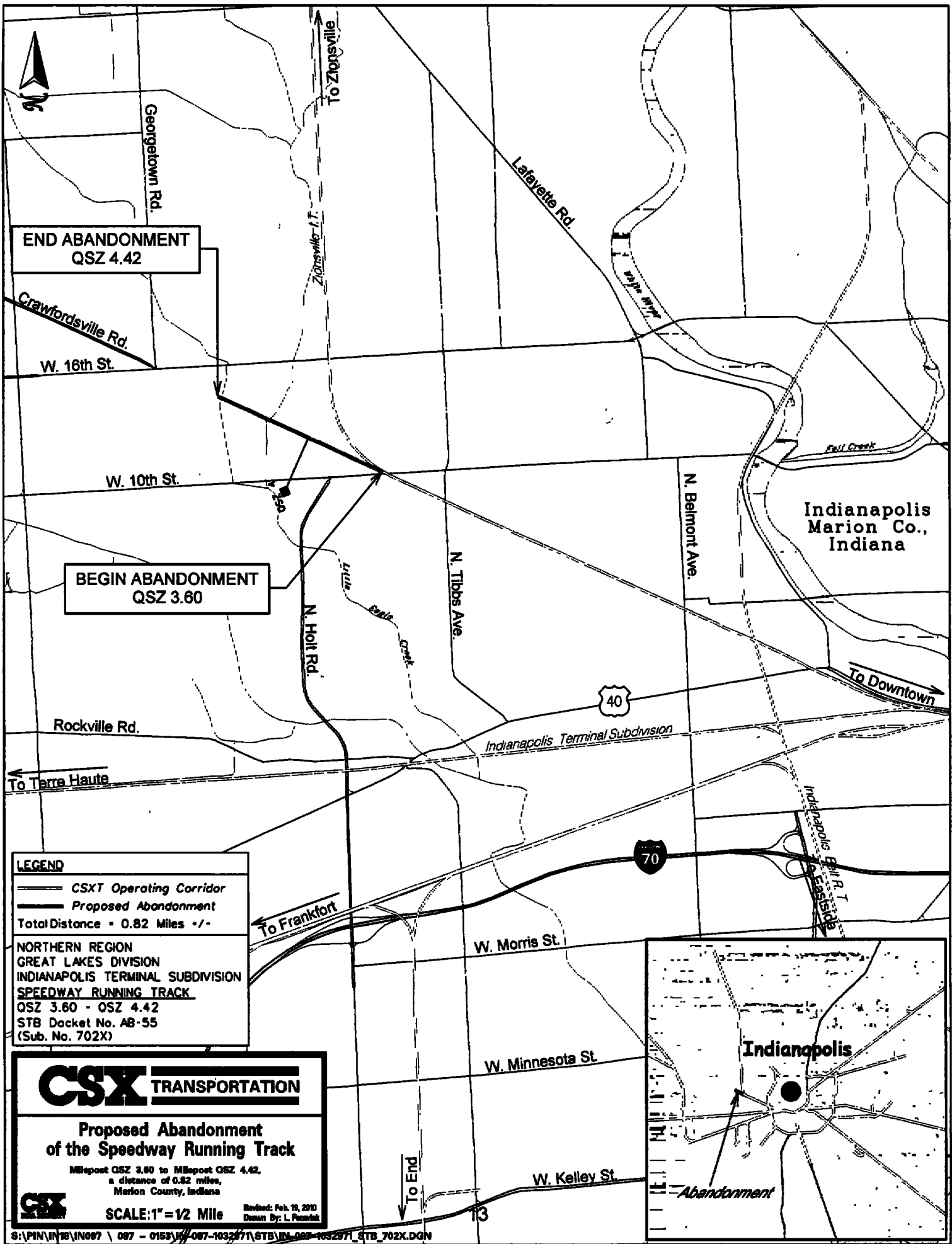
Maps

[Please see attached]



AREA MAP

- Proposed Abandonment -
The Speedway Running Track
QSZ 3.60 to QSZ 4.42 - 0.82 Miles
City of Indianapolis, Marion County, Indiana



LEGEND

- CSXT Operating Corridor
- Proposed Abandonment
- Total Distance = 0.82 Miles +/-

NORTHERN REGION
GREAT LAKES DIVISION
INDIANAPOLIS TERMINAL SUBDIVISION
SPEEDWAY RUNNING TRACK
QSZ 3.60 - QSZ 4.42
STB Docket No. AB-55
(Sub. No. 702X)

CSX TRANSPORTATION

**Proposed Abandonment
of the Speedway Running Track**

Milepost QSZ 3.60 to Milepost QSZ 4.42,
a distance of 0.82 miles,
Marion County, Indiana



SCALE: 1" = 1/2 Mile

Revised: Feb. 18, 2010
Drawn By: L. Parnell

EXHIBIT B

Environmental Report

[Please see attached]

ENVIRONMENTAL REPORT

CSX TRANSPORTATION, INC. Speedway Running Track Indianapolis, Marion County, Indiana DOCKET AB-55 (SUB-NO. 702X)

The following information is provided in accordance with 49 C.F.R. Section 1105.7:

(1) PROPOSED ACTION AND ALTERNATIVES

Describe the proposed action, including commodities transported, the planned disposition (if any) of any rail line and other structures that may be involved, and any possible changes in current operations or maintenance practices. Also describe any reasonable alternatives to the proposed action. Include a readable, detailed map and drawings clearly delineating the project.

CSXT proposes to abandon and subsequently reclassify approximately 0.82-mile of its rail line between Railroad Milepost QSZ 3.6 and Railroad Milepost QSZ 4.42, known as the Speedway Running Track in Indianapolis, Marion County, Indiana (the "Line").

The Line has had only one customer, Heritage Crystal Clean (HCC), over the last several years. The purpose of the proposed action is to abandon and subsequently reclassify the Line to industrial. This action will allow CSXT to lease or sell a segment of the Line to HCC so that they can use the Line to receive rail service without becoming a common carrier.

If HCC should not require rail service on the Line in the future, CSXT would then remove the rail infrastructure.

A small portion of the subject line was removed prior to CSXT's acquisition of this former Conrail property in June 1999. Although CSXT is unaware of the actual date and circumstances for the tracks removal, the action has had no impact on any customer.

Two maps which delineate the proposed project are attached. (See Attachments 1 and 2)

A distribution list of all parties that have been copied on the proposed transaction has also been enclosed. (See Attachment 3)

(2) TRANSPORTATION SYSTEM

Describe the effects of the proposed action on regional or local transportation systems and patterns. Estimate the amount of traffic (passenger or freight) that will be diverted to other transportation systems or modes as a result of the proposed action.

There is no passenger traffic on this line. Since freight traffic will continue and possibly increase, there will be no effect on existing regional or local transportation systems or patterns.

(3) LAND USE

- (i) Based on consultation with local and/or regional planning agencies and/or a review of the official planning documents prepared by such agencies, state whether the proposed action is consistent with existing land use plans. Describe any inconsistencies.**

Applicant received a response dated March 4, 2010 from Mr. Mike Peoni – Marion County Administrator stating *"The Community Values Component of Indianapolis Insight contains the following recommendation, Preserve existing rail rights-of-way..."* (See Attachment 4)

Applicant has not received a response to its inquiry dated February 25, 2010 to Mr. Gregory A. Ballard, Mayor of City of Indianapolis, requesting information regarding this statement. (See Attachment 5)

Applicant has served a copy of this report on Ms. Barbara Lawrence – Town of Speedway Manager on March 26, 2010. Comments received prior to filing will be included in the final report. Comments received from this, or any party, subsequent to the filing will be sent to the Board under separate cover.

Based on an Applicant's intent to merely downgrade the subject track and subsequently lease it to the only existing customer and continue freight operations, Applicant does not believe that the proposed action is inconsistent with any existing or future land use plans.

- (ii) Based on consultation with the U. S. Soil Conservation Service, state the effect of the proposed action on any prime agricultural land.**

Applicant has not received a response from its letter dated February 25, 2010 to the U. S. Department of Agriculture, Natural Resources Conservation Service in Danville, Indiana seeking information regarding this statement. (See Attachment 6)

While some prime farmland may exist in the vicinity of this project, Applicant feels the simple removal of track material should not have an adverse impact.

- (iii) If the action affects land or water uses within a designated coastal zone, include the coastal zone information required by 1105.9.**

Applicant received an email dated March 18, 2010 from Ms. Christie Stanifer of the Indiana Department of Natural Resources in Indianapolis, Indiana stating *"...the review is in process and a formal response will be forthcoming."* (See Attachment 7)

Applicant does not feel that the simple removal of track material should have any adverse impact on land or water uses.

- (iv) If the proposed action is an abandonment, state whether or not the right of way is suitable for alternative public use under 49 U.S.C. 10906 and explain why.**

The properties, proposed to be abandoned, may be suitable for other public purposes, but may be subject to reversionary interests that may affect the transfer of title for other than rail purposes.

(4) ENERGY

- (i) Describe the effect of the proposed action on transportation of energy resources.**

The proposed action will have no effect on the transportation of energy resources.

- (ii) Describe the effect of the proposed action on recyclable commodities.**

The proposed action will have no effect on the movement and/or recovery of recyclable commodities.

- (iii) State whether the proposed action will result in an increase or decrease in overall energy efficiency and explain why.**

The proposed action will not result in an increase or decrease in overall energy efficiency.

- (iv) If the proposed action will cause diversions from rail to motor carriage of more than: (A) 1,000 rail carloads a year; or (B) an average of 50 rail carloads per mile per year for any part of the affected line, quantify the resulting net change in energy consumption and show the data and methodology used to arrive at the figure given.**

There will be no diversion of rail traffic to motor carriage in excess of the above thresholds.

(5) AIR

- (i) If the proposed action will result in either: (A) an increase in rail traffic of at least 100% (measured in gross ton miles annually) or an increase of at least eight trains a day on any segment of rail line affected by the proposal, or (B) an increase in rail yard activity of at least 100% (measured by carload activity), or (C) an average increase in truck traffic of more than 10% of the average daily traffic or 50 vehicles a day on any affected road segment, quantify the anticipated effect on air emissions.

The above thresholds will not be exceeded.

- (ii) If the proposed action affects a class I or non-attainment area under the Clean Air Act; and will it result in either: (A) an increase in rail traffic of at least 50% (measured in gross ton miles annually) or an increase of at least three trains a day on any segment of rail line, or (B) an increase in rail yard activity of at least 20% (measured by carload activity), or (C) an average increase in truck traffic of more than 10% of the average daily traffic or 50 vehicles a day on a given road segment, then state whether any expected increased emissions are within the parameters established by the State Implementation Plan.

The above thresholds will not be exceeded.

- (iii) If transportation of ozone depleting materials (such as nitrogen oxide and freon) is contemplated, identify: the materials and quantity, the frequency of service; safety practices (including any speed restriction); the applicant's safety record (to the extent available) on derailments, accidents and spills; contingency plans to deal with accidental spills; and the likelihood of an accidental release of ozone depleting materials in the event of a collision or derailment.

Not applicable.

(6) NOISE

If any of the thresholds identified in item (5)(i) of this section are surpassed, state whether the proposed action will cause: (i) an incremental increase in noise levels of three decibels Ldn or more, or (ii) an increase to a noise level of 65 decibels Ldn or greater. If so, identify sensitive receptors (e.g., schools, libraries, hospitals, residences, retirement communities, and nursing homes) in the project area, and quantify the noise increase for these receptors if the thresholds are surpassed.

The above thresholds will not be exceeded.

(7) SAFETY

- (i) Describe any effects of the proposed action on public health and safety (including vehicle delay time at railroad grade crossings).**

Applicant believes the abandonment will have no adverse impact on public safety.

- (ii) If hazardous materials are expected to be transported, identify: the materials and quantity; the frequency of service; whether chemicals are being transported that, if mixed, could react to form more hazardous compounds; safety practices (including any speed restrictions); the applicant's safety record (to the extent available) on derailments, accidents and hazardous spills; the contingency plans to deal with accidental spills; and the likelihood of an accidental release of hazardous materials.**

Not applicable.

- (iii) If there are any known hazardous waste sites or sites where there have been known hazardous material spills on the right of way, identify the location of those sites and the types of hazardous materials involved.**

Applicant's records do not indicate any hazardous waste sites or sites where there have been hazardous material spills on this line segment.

(8) BIOLOGICAL RESOURCES

- (i) Based on consultation with the U. S. Fish and Wildlife Service, state whether the proposed action is likely to adversely affect endangered or threatened species or areas designated as a critical habitat, and if so, describe the effects.**

Applicant received a response dated March 3, 2010 from Mr. Scott Pruitt of the U.S. Fish and Wildlife Service in Bloomington, Indiana stating *"The U.S. Fish and Wildlife Service has no objections to the project as currently proposed."* (See Attachment 8)

- (ii) State whether wildlife sanctuaries or refuges, National or State parks or forests will be affected, and describe any effects.**

Based upon Applicant's review of the area, the line is not within any wildlife sanctuaries or refuges, National or State parks or forests.

(9) WATER

- (i) Based on consultation with State water quality officials, state whether the proposed action is consistent with applicable Federal, State or local water quality standards. Describe any inconsistencies.**

Applicant has not received a response from its letter dated February 25, 2010 to Mr. Paul Higginbotham of the Indiana Department of Environmental Management in Indianapolis, Indiana seeking information regarding this statement. (See Attachment 9)

Applicant does not contemplate any action known to be inconsistent with federal, state and/or local water quality standards. Any necessary permits or applications will be obtained as well as compliance with conditions or procedures required by regulatory agencies.

- (ii) Based on consultation with the U. S. Army Corps of Engineers, state whether permits under Section 404 of the Clean Water Act (33 U.S.C. 1344) are required for the proposed action and whether any designated wetlands or 100-year flood plains will be affected. Describe the effects.**

Applicant has not received a response to its inquiry dated February 25, 2010 to the U. S. Army Corps of Engineers in Louisville, Kentucky requesting information regarding this statement. (See Attachment 10)

Applicant is not aware of any designated wetlands or 100-year flood plains within the proposed project.

Applicant is not anticipating any salvage activities. However, if the customer should not need the line for rail operations in the future, salvage activities would take place as follows. Upon receiving abandonment authority, removal of material will be accomplished by use of the right of way for access, along with existing public and private crossings, and no new access roads are contemplated. We do not intend to disturb any of the underlying roadbed or perform any activities that would cause sedimentation or erosion of the soil, and do not anticipate any dredging or use of fill in the removal of the track material. The crossties and/or other debris will be transported away from the rail line and will not be discarded along the right of way nor be placed or left in streams or wetlands, or along the banks of such waterways. Also, during track removal, appropriate measures will be implemented to prevent or control spills from fuels, lubricants or any other pollutant materials from entering any waterways.

Based upon this course of action, Applicant does not believe a permit under Section 404 of the Clean Water Act will be required.

- (III) **State whether permits under Section 402 of the Clean Water Act (33 U.S.C. 1342) are required for the proposed action. (Applicants should contact the U. S. Environmental Protection Agency or the state environmental protection or equivalent agency if they are unsure whether such permits are required).**

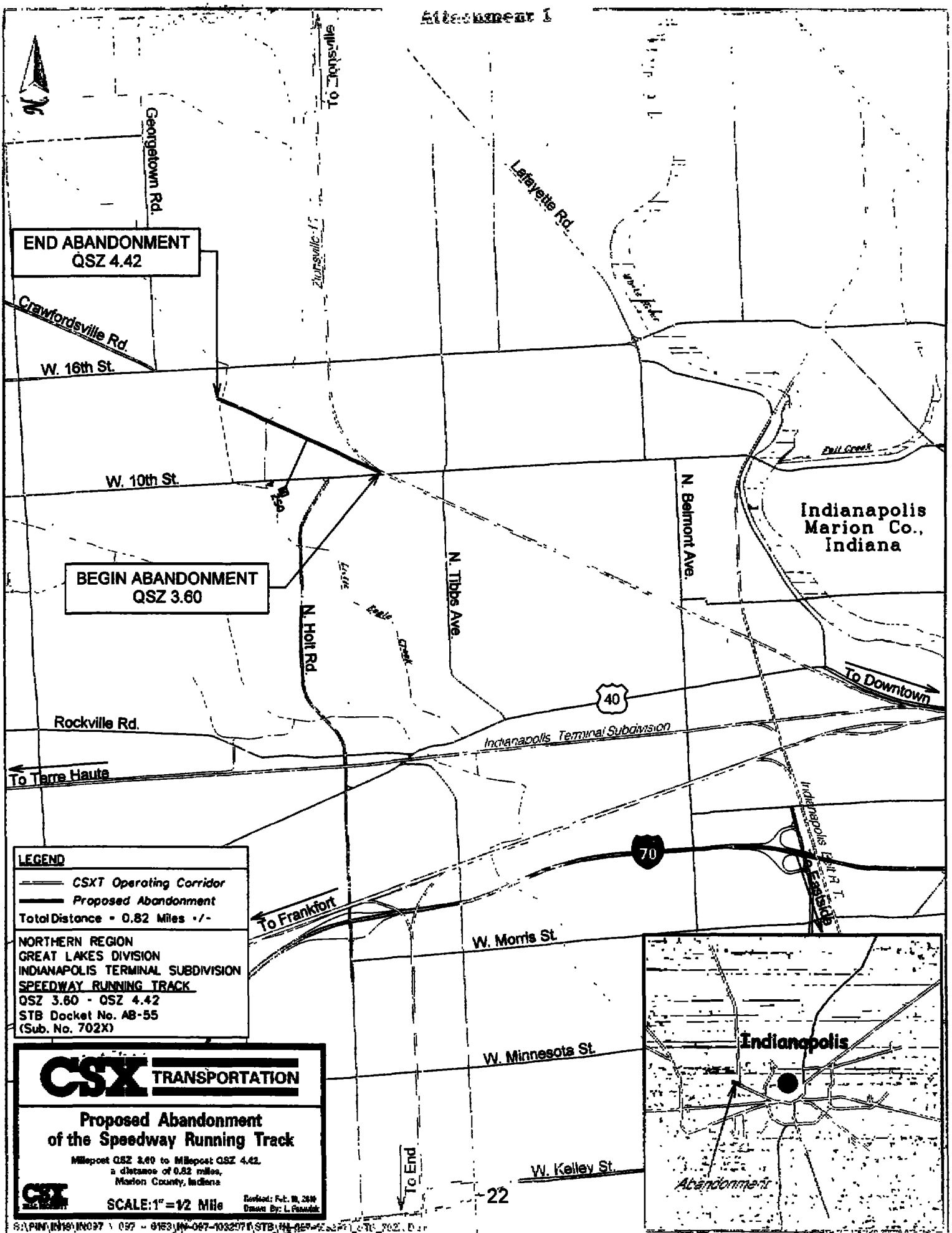
Applicant has not received a response to its inquiry dated February 25, 2010 to Mr. Ken Westlake of the U.S. Environmental Protection Agency – Region 5 in Chicago, Illinois requesting information regarding this statement. (See Attachment 11)

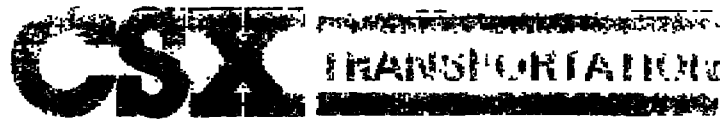
Based upon the course of action described in Section 9 (ii), Applicant does not believe a permit under Section 402 of the Clean Water Act will be required.

10. MITIGATION

Describe any actions that are proposed to mitigate adverse environmental impacts, indicating why the proposed mitigation is appropriate.

Applicant does not anticipate any adverse environmental impacts in the project area as a result of this abandonment, however, if mitigation is necessary, Applicant will comply with State and Federal regulations and obtain any necessary permits required.





AREA MAP

- Proposed Abandonment -
The Speedway Running Track
QSZ 3.60 to QSZ 4.42 - 0.82 Miles
City of Indianapolis, Marion County, Indiana

Attachment 3

**CSXT Abandonment External Distribution List
Speedway Running Track
Indianapolis, Marion County, Indiana
AB 55 Sub No. 702X**

**Mr. Mike Peoni
Marion County
Administrator – Division of Planning
200 E. Washington St., Suite 1821
Indianapolis, IN 46204**

**Railroad Section Manager
Indiana Department of Transportation
Multimodal Division
100 North Senate Avenue, Room N 901
Indianapolis, IN 46204**

**Mr. Gregory A. Ballard, Mayor
City of Indianapolis
2501 City-County Bldg.
200 E. Washington St.
Indianapolis, IN 46204**

**Mr. Scott Pruitt
US Fish & Wildlife Commission
Bloomington Field Office
620 South Walker Street
Bloomington, IN 47403**

**US EPA – Region 5
Mr. Ken Westlake (B19J)
77 W. Jackson Blvd.
Chicago, IL 60604**

**US Army Corps of Engineers
Louisville District
P.O. Box 59
Louisville, KY 40201-0059**

**Indiana Dept of Environmental
Management
100 N. Senate Ave, Room N1255
Indianapolis, IN 46204-2222**

**USDA – NRCS
Danville Service Center
195 Meadow Dr.
Danville, IN 46122-1413**

**National Geodetic Service (NOAA) at
'NGS.InfoCenter@noaa.gov' (via email)**

**National Park Service
Midwest Region
Regional Director
601 Riverfront Drive
Omaha, NE 68102**

**Ms. Christie Stanifer
Indiana Dept of Natural Resources
Division of Water, Environmental Unit
402 West Washington Street, W264
Indianapolis, IN 46204-2641**

**Ms. Barbara Lawrence
Town Manager
Town of Speedway
1450 N. Lawrence Drive
Speedway, IN 46224**

City of
Indianapolis
Gregory A. Ballard, Mayor



March 4, 2010

Mr. Ray Magruder
Manager – Network & Joint Facility Services
500 Water Street – J200
Jacksonville, FL 32202

Dear Mr. Magruder,

This letter is in response to your February 25 letter concerning the Speedway Running Track.

Indianapolis Insight: the Comprehensive Plan for Marion County, Indiana shows that the portion of the Speedway Running Track east of Holt Road passes through an area that is recommended for residential development at a density of five to eight units per acre. This area is zoned D5, a residential zoning district.

The segment of the Speedway Running Track between Holt Road and Olin Avenue is recommended in the Comprehensive Plan for Light Industrial uses north of the rail line and General Industrial uses south of the rail line. This area is also zoned D5.

The segment of the Speedway Running Track between Olin Avenue and the eastern edge of the Little Eagle Creek floodway is recommended in the Comprehensive Plan for General Industrial uses north of the rail line and for a mix of General Industrial uses and Special Use south of the rail line.

The portion of the Speedway Running Track west of the western edge of the Little Eagle Creek floodway is recommended in the Comprehensive Plan for Office Commercial uses north of the rail line and General Industrial uses south of the rail line.

The portion of the Speedway Running Track that passes through the floodway of Little Eagle Creek is designated in the Comprehensive Plan as Floodway, an area exhibiting great potential for property loss and damage or for water quality degradation and thus should not be developed. Non-conforming uses in this area should not be expanded or altered.

The Community Values Component of Indianapolis Insight contains the following recommendation, "Preserve existing rail rights-of-way and identify those that should be reserved for future mass transit use."

Department of Metropolitan Development
Division of Planning

1821 City County Building
200 East Washington Street
Indianapolis, Indiana 46204
(317) 327-5155
(fax) 327-7833
indygov.org

Indianapolis Insight: the Comprehensive Plan for Marion County, Indiana can be viewed online at www.indy.gov/dmdplan. A copy can be purchased from the Indianapolis Division of Planning for \$18.00.

The zoning district for the area west of Olin Avenue is SZ2. SZ2 is a district where development is expected to take place "in accordance with the principles set forth in the Comprehensive Plan and the Speed Zone Master Plan." Additionally this district "is designed to permit and facilitate uses that are significant employment generators."

The area west of Olin Avenue is within the town limits of the Town of Speedway. I recommend that you contact Ms. Barbara Lawrence, Town Manager for the Town of Speedway at (317) 246-4100. Her address is 1450 N. Lynhurst Drive, Speedway, Indiana 46224.

Respectfully,

A handwritten signature in black ink, appearing to read "Michael Peoni".

Michael Peoni,
Administrator

Copies: Barbara Lawrence, Town of Speedway
Lori Miser, Indianapolis MPO



Attachment 5

500 Water Street - J200
Jacksonville, FL 32202
Phone: (904) 633-1542
FAX: (904) 245-3923
E-Mail: Ray_magruder@csx.com

Ray Magruder
Manager - Network & Joint Facility Services

February 25, 2010

Mr. Gregory A. Ballard, Mayor
City of Indianapolis
2501 City-County Bldg.
200 E. Washington St.
Indianapolis, IN 46204

Dear Mr. Ballard:

Please be advised that CSX Transportation, Inc. (CSXT) is considering an abandonment, for purposes of downgrading the track, of approximately 0.82-mile of its rail line between Railroad Milepost QSZ 3.60 to Railroad Milepost QSZ 4.42 known as the Speedway Running Track in Indianapolis, Marion County, Indiana.

This action requires Surface Transportation Board approval and Federal Regulation 49 C.F.R. 1105.7(3)(i) requires that CSXT develop a response to the following statement:

"Based on consultation with local and/or regional planning agencies and/or a review of the official planning documents prepared by such agencies, state whether the proposed action is consistent with existing land use plans. Describe any inconsistencies."

CSXT would appreciate your comments regarding current and future land use in relationship to the rail line. CSXT intends to merely downgrade the status for a potential sale or lease to the only customer, Heritage Crystal Clean, for continued and expanded rail use. We would greatly appreciate receiving a letter of support for our proposed action.

Enclosed you will find maps and a distribution list of all parties that have been copied.

Sincerely,

A handwritten signature in black ink, appearing to read "Ray Magruder", written over a horizontal line.

Attachment



Attachment 6

500 Water Street - J200
Jacksonville, FL 32202
Phone: (904) 633-1542
FAX: (904) 245-3923
E-Mail: Ray_magruder@csx.com

Ray Magruder
Manager - Network & Joint Facility Services

February 25, 2010

USDA - NRCS
Danville Service Center
195 Meadow Dr.
Danville, IN 46122-1413

Dear NRCS:

Please be advised that CSX Transportation, Inc. (CSXT) is considering an abandonment, for purposes of downgrading the track, of approximately 0.82 mile of its rail line between Railroad Milepost QSZ 3.60 and Railroad Milepost QSZ 4.42 known as the Speedway Running Track in Indianapolis, Marion County, Indiana.

This action requires Surface Transportation Board approval and Federal Regulations 49 C.F.R. 1105.7(3)(ii) require that CSXT develop a response to the following statement:

"Based on consultation with the U. S. Soil Conservation Service, state the effect of the proposed action on any prime agricultural land."

Please advise if any of the land contiguous to CSXT's line in the project area is classified as prime agriculture land.

Since CSXT intends to merely downgrade the status for a potential sale or lease to the only customer, Heritage Crystal Clean, for continued and expanded rail use, CSXT would greatly appreciate receiving a letter of support for our proposed action.

Enclosed you will find maps and a distribution list of all parties that have been copied.

Sincerely,

Attachment

Attachment 7

Magruder, Ray

From: Stanifer, Christie [cstanifer@dnr.IN.gov]
Sent: Thursday, March 18, 2010 10:12 AM
To: Magruder, Ray
Subject: ER-14750, Marion Co

Dear Mr. Magruder:

This is a standard informational email in response to your request for an Environmental Review, which was received on March 2, 2010 for the following project:

Proposed abandonment of 0.82 mile of rail line known as the Speedway Running Track, Indianapolis

We would like you to know that the review is in process and a formal response will be forthcoming. Please refer to the ER number in the subject line on all future correspondence regarding this project.

If you have any questions or comments, please contact Christie Stanifer at cstanifer@dnr.in.gov, or at the numbers below.

Christie L. Stanifer
Environmental Coordinator
Indiana Department of Natural Resources
402 West Washington St., Room W264
Indianapolis, IN 46204-2641
(317) 232-4160
Toll free: 1-877-928-3755
Fax: (317) 233-4579



United States Department of the Interior
Fish and Wildlife Service



Bloomington Field Office (ES)
620 South Walker Street
Bloomington, IN 47403-2121
Phone: (812) 334-4261 Fax: (812) 334-4273

March 3, 2010

Mr. Ray Magruder
CSX Transportation
500 Water Street- J200
Jacksonville, FL 32202

Project No: CSX abandonment of its Speedway Running Track in Indianapolis
County(ies): Marion

Dear Mr. Magruder:



This responds to your letter dated February 25, 2010, requesting our comments on the aforementioned project.

These comments have been prepared under the authority of the Fish and Wildlife Coordination Act (16 U.S.C. 661 et. seq.) and are consistent with the intent of the National Environmental Policy Act of 1969, the Endangered Species Act of 1973, and the U. S. Fish and Wildlife Service's Mitigation Policy.

Based on a review of the information you provided, the U.S. Fish and Wildlife Service has no objections to the project as currently proposed. This precludes the need for further consultation on this project as required under Section 7 of the Endangered Species Act of 1973, as amended. However, should new information arise pertaining to project plans or a revised species list be published, it will be necessary for the Federal agency to reinstitute consultation.

We appreciate the opportunity to comment at this early stage of project planning. If project plans change such that fish and wildlife habitat may be affected, please recoordinate with our office as soon as possible. If you have any questions about our recommendations, please call (812)334-4261.

Sincerely yours,


 Scott E. Pruitt,
Field Supervisor



Attachment 9

506 Water Street - J200
Jacksonville, FL 32202
Phone: (904) 633-1542
FAX: (904) 245-3923
E-Mail: Ray_magruder@csx.com

Ray Magruder
Manager - Network & Joint Facility Services

February 25, 2010

Mr. Paul Higginbotham, Chief
Indiana Department of Environmental Management
100 North Senate Street
Room N1255
Indianapolis, IN 46204-2222

Dear Mr. Higginbotham:

Please be advised that CSX Transportation, Inc. (CSXT) is considering an abandonment, for purposes of downgrading the track, of approximately 0.82 mile of its rail line between Railroad Milepost QSZ 3.60 and Railroad Milepost QSZ 4.42 known as the Speedway Running Track in Indianapolis, Marion County, Indiana.

This action requires Surface Transportation Board approval and Federal Regulations 49 C.F.R. 1105.7 (9) (i) and (iii) require that CSXT develop a response to the following statements:

(i) "Based on consultation with State Water quality officials, state whether the proposed action is consistent with applicable Federal, State or local water quality standards. Describe any inconsistencies."

(iii) State whether permits under Section 402 of the Clean Water Act 33 U.S.C. 1342 are required for the proposed action."

Since CSXT intends to merely downgrade the status for a potential sale or lease to the only customer, Heritage Crystal Clean, for continued and expanded rail use, CSXT would greatly appreciate receiving a letter of support for our proposed action.

Enclosed you will find maps and a distribution list of all parties that have been copied.

Sincerely,

Attachment



Attachment 10

500 Water Street - J200
Jacksonville, FL 32202
Phone: (904) 633-1542
FAX: (904) 245-3923
E-Mail: Ray_magruder@csx.com

Ray Magruder
Manager - Network & Joint Facility Services

February 25, 2010

U.S. Army Corps of Engineers
Louisville District
P.O. Box 59
Louisville, KY 40201-0059

Dear :

Please be advised that CSX Transportation, Inc. (CSXT) is considering an abandonment, for purposes of downgrading the track, of approximately 0.82 mile of its rail line between Railroad Milepost QSZ 3.60 and Railroad Milepost QSZ 4.42 known as the Speedway Running Track in Indianapolis, Marion County, Indiana.

This action requires Surface Transportation Board approval and Federal Regulations 49 C.F.R. 1105.7(9)(ii) require that CSXT develop a response to the following statement:

"Based on consultation with the U. S. Army Corps of Engineers, state whether permits under Section 404 of the Clean Water Act (33 U.S.C. 1344) are required for the proposed action and whether any designated wetlands or 100 year flood plains will be affected. Describe the effects."

Since CSXT intends to merely downgrade the status for a potential sale or lease to the only customer, Heritage Crystal Clean, for continued and expanded rail use, CSXT would greatly appreciate receiving a letter of support for our proposed action.

Enclosed you will find maps and a distribution list of all parties that have been copied.

Sincerely,

Attachment



Attachment 11

500 Water Street – J200
Jacksonville, FL 32202
Phone: (904) 633-1542
FAX: (904) 245-3923
E-Mail: Ray_magruder@csx.com

Ray Magruder
Manager – Network & Joint Facility Services

February 25, 2010

U.S. Environmental Protection Agency
Region 5
Attn: Mr. Ken Westlake (B19J)
77 West Jackson Blvd.
Chicago, IL 60604

Dear Mr. Westlake:

Please be advised that CSX Transportation, Inc. (CSXT) is considering an abandonment, for purposes of downgrading the track, of approximately 0.82 mile of its rail line between Railroad Milepost QSZ 3.60 and Railroad Milepost QSZ 4.42 known as the Speedway Running Track in Indianapolis, Marion County, Indiana.

This action requires Surface Transportation Board approval and Federal Regulations 49 C.F.R. 1105.7 (9) (i) and (iii) require that CSXT develop a response to the following statements:

- (i) "Based on consultation with State Water quality officials, state whether the proposed action is consistent with applicable Federal, State or local water quality standards. Describe any inconsistencies."
- (iii) State whether permits under Section 402 of the Clean Water Act 33 U.S.C. 1342 are required for the proposed action."

Since CSXT intends to merely downgrade the status for a potential sale or lease to the only customer, Heritage Crystal Clean, for continued and expanded rail use. CSXT would greatly appreciate receiving a letter of support for our proposed action.

Enclosed you will find maps and a distribution list of all parties that have been copied.

Sincerely,

Attachment



Attachment 12

500 Water Street - J200
Jacksonville, FL 32202
Phone: (904) 633-1542
FAX: (904) 245-3923
E-Mail: ray_magruder@csx.com

Ray Magruder
Manager - Network & Joint Facility Services

March 26, 2010

Ms. Barbara Lawrence
Town Manager
Town of Speedway
1450 N. Lawrence Drive
Speedway, IN 46224

RE: CSXT Proposed Abandonment
Docket No. AB-55 (Sub No. 702X)

Dear Ms. Lawrence:

Please be advised that on April 26, 2010, CSX Transportation, Inc. (CSXT) expects to file a Petition for Abandonment with the Surface Transportation Board ("Board") seeking authority to abandon 0.82-mile of railroad from Railroad Milepost QSZ 3.60 to Railroad Milepost QSZ 4.42, known as the Speedway Running Track in Indianapolis, Marion County, Indiana.

The purpose of the proposed action is to abandon and subsequently reclassify the Line to industrial. This action will allow CSXT to lease or sell a segment of the Line to the only rail served customer so that they can use the Line to receive rail service without becoming a common carrier.

Attached is a preliminary Environmental Report, provided so that you may review the information that will form the basis for the Board's independent analysis of this proceeding. We will incorporate into it any comments that we receive from you. Any comments received after the report is complete will be submitted to the Board under separate cover. If you believe any of the information is incorrect or pertinent information is missing, or if you have any questions about the Board's environmental review process, please contact the Section of Environmental Analysis (SEA) at Surface Transportation Board, 395 E Street, NW, Washington, DC 20423, telephone (202) 245-0230 and refer to the Docket Number.

Because the applicable statutes and regulations impose stringent deadlines for processing this action, your comments to SEA (with copy to me) within three weeks would be appreciated. If your comments have not been received by May 26, 2010, CSXT will take the position before the Board that there are no environmental impacts for the proposed abandonment within your agency's jurisdiction. For your convenience, a response form has been attached to allow you to expedite the review process.

If there are any questions concerning this proposal, please contact me by telephone at (904) 633-1542, by e-mail or U.S. mail at the above address.

Sincerely,

Attachments

Copy: STB - SEA, 395 E Street SW, Washington, DC 20423

**ENVIRONMENTAL REPORT
CERTIFICATE OF SERVICE**

Pursuant to the requirements of 49 C.F.R. §1105.7(b) and .11, the undersigned hereby certifies that on March 26, 2010, a copy of the Environmental Report in Docket No. AB-55 (Sub-No. 702X) was served upon the below listed parties, by first-class mail, postage prepaid, or electronic mail:

Mr. Mike Peoni
Marion County
Administrator – Division of Planning
200 E. Washington St., Suite 1821
Indianapolis, IN 46204

Mr. Gregory A. Ballard, Mayor
City of Indianapolis
2501 City-County Bldg.
200 E. Washington St.
Indianapolis, IN 46204

US EPA – Region 5
Mr. Ken Westlake (B19J)
77 W. Jackson Blvd.
Chicago, IL 60604

Indiana Dept of Environmental Management
100 N. Senate Ave, Room N1255
Indianapolis, IN 46204-2222

National Geodetic Service (NOAA) at 'NGS.InfoCenter@noaa.gov' (via email)

Ms. Christie Stanifer
Indiana Dept of Natural Resources
Division of Water, Environmental Unit
402 West Washington Street, W264
Indianapolis, IN 46204-2641

Railroad Section Manager
Indiana Department of Transportation
Multimodal Division
100 North Senate Avenue, Room N 901
Indianapolis, IN 46204

Mr. Scott Pruitt
US Fish & Wildlife Commission
Bloomington Field Office
620 South Walker Street
Bloomington, IN 47403

US Army Corps of Engineers
Louisville District
P.O. Box 59
Louisville, KY 40201-0059

USDA – NRCS
Danville Service Center
195 Meadow Dr.
Danville, IN 46122-1413

National Park Service
Midwest Region
Regional Director
601 Riverfront Drive
Omaha, NE 68102

Ms. Barbara Lawrence
Town Manager
Town of Speedway
1450 N. Lawrence Drive
Speedway, IN 46224

A handwritten signature in black ink that reads "Kathryn R. Barney". The signature is written in a cursive style with a horizontal line underneath the name.

Kathryn R. Barney
April 23, 2010

EXHIBIT C

Historical Report

[Please see attached]



Ray Magruder
Manager - Network & Joint Facility Services

500 Water Street - J200
Jacksonville, FL 32202
Tel (904) 833-1542
Fax (904) 245-3923
E Mail: Ray_Magruder@csx.com

March 15, 2010

Ms. Katie Brudis
Indiana State Historic Preservation Office
102 West Washington Street
Room W274
Indianapolis, IN 46204

RE: CSX Transportation, Inc.
Proposed Abandonment
Docket AB-55 (Sub-No. 702X)

Dear Ms. Brudis:

Please be advised that CSX Transportation, Inc. (CSXT) is considering abandoning approximately 0.82-mile of its rail line between Railroad Milepost QSZ 3.60 to Railroad Milepost QSZ 4.42 known as the Speedway Running Track in Indianapolis, Marion County, Indiana, as shown in the attached historic report.

CSXT intends to abandon and subsequently reclassify the line. The line has had only one customer in the last several years. The reclassification of the line will allow CSXT to lease or sell a portion of the line so that the customer can use the line to receive rail service without becoming a common carrier.

In connection with rail lines that are to become the subject of applications for authority to abandon, Federal Regulations at 49 CFR 1105.8(d), require that a Historic Report be submitted to the State Historic Preservation Officer prior to filing with the Surface Transportation Board. In accordance with those Regulations, I am attaching a Historic Report covering the above proposed discontinuance.

CSXT would greatly appreciate receiving a letter from your office confirming that this project will have no impact upon any cultural resources.

If you have questions, please feel free to call me.

Sincerely,

Attachment

HISTORIC REPORT

**CSX TRANSPORTATION, INC.
INDIANAPOLIS, MARION COUNTY, INDIANA
DOCKET AB-55 (SUB-NO. 702X)**

1105.7(e)(1)

PROPOSED ACTION AND ALTERNATIVES. Describe the proposed action, including commodities transported, the planned disposition (if any) of any rail line and other structures that may be involved, and any possible changes in current operations or maintenance practices. Also describe any reasonable alternatives to the proposed action. Include a readable detailed map and drawings clearly delineating the project.

CSXT proposes to abandon and subsequently reclassify approximately 0.82-mile of its rail line between Railroad Milepost QSZ 3.6 and Railroad Milepost QSZ 4.42, known as the Speedway Running Track in Indianapolis, Marion County, Indiana (the "Line").

The Line has had only one customer, Heritage Crystal Clean (HCC), over the last several years. The purpose of the proposed action is to abandon and subsequently reclassify the Line to industrial. This action will allow CSXT to lease or sell a segment of the Line to HCC so that they can use the Line to receive rail service without becoming a common carrier.

If HCC should not require rail service on the Line in the future, CSXT would then remove the rail infrastructure.

A small portion of the subject line was removed prior to CSXT's acquisition of this former Conrail property in June 1999. Although CSXT is unaware of the actual date and circumstances for the tracks removal, the action has had no impact on any customer.

Two maps which delineate the proposed project are attached. (See Attachments 1 and 2)

1105.8(d)

- (1) A U.S.G.S. topographic map (or an alternate map drawn to scale and sufficiently detailed to show buildings and other structures in the vicinity of the proposed action) showing the location of the proposed action, and the

locations and approximate dimensions of railroad structures that are 50 years old or older and are part of the proposed action.

Attached is a copy of the Indianapolis West quadrangle topographic map prepared by the U. S. Department of Interior Geological Survey. The line to be abandoned has been identified by a heavy red line with black dashes. (See Attachment 3)

There are no CSXT-owned structures that are 50 years old or older that may be eligible for listing in the National Register that are part of the proposed action.

- (2) A written description of the right of way (including approximate widths, to the extent known), and the topography and urban and/or rural characteristic of the surrounding area:**

The right of way width along this right of way is approximately 40 feet from the centerline of track. The line traverses an industrial portion of the Northwest segment of Indianapolis, Indiana.

- (3) Good quality photographs (actual photographic prints, not photocopies) of railroad structures on the property that are 50 years old or older and of the immediately surrounding area:**

Not applicable

- (4) The date(s) of construction of the structure(s), and the date(s) and extent of any major alterations, to the extent such information is known:**

Not applicable.

- (5) A brief narrative history of carrier operations in the area, and an explanation of what, if any, changes are contemplated as a result of the proposed action:**

This line was acquired by the Cleveland, Cincinnati, Chicago and St. Louis Railway (CCC&StL.), also known as the Big Four Railroad, in the late 19th century. The CCC&StL was acquired in 1906 by the New York Central Railroad. The former lines of CCC&StL were incorporated into Penn Central in 1968 with the merger of New York Central Railroad and the Pennsylvania Railroad. Penn Central declared bankruptcy in 1970 and the line was included in the lines of the newly formed Conrail. In 1999, the line was acquired by CSXT when Conrail was divided between CSXT and Norfolk Southern.

Upon receiving abandonment authority, Applicant will seek to lease or sell a portion of the line to HCC for continued rail service.

- (6) **A brief summary of documents in the carrier's possession, such as engineering drawings, that might be useful in documenting a structure that is found to be historic:**

Not applicable.

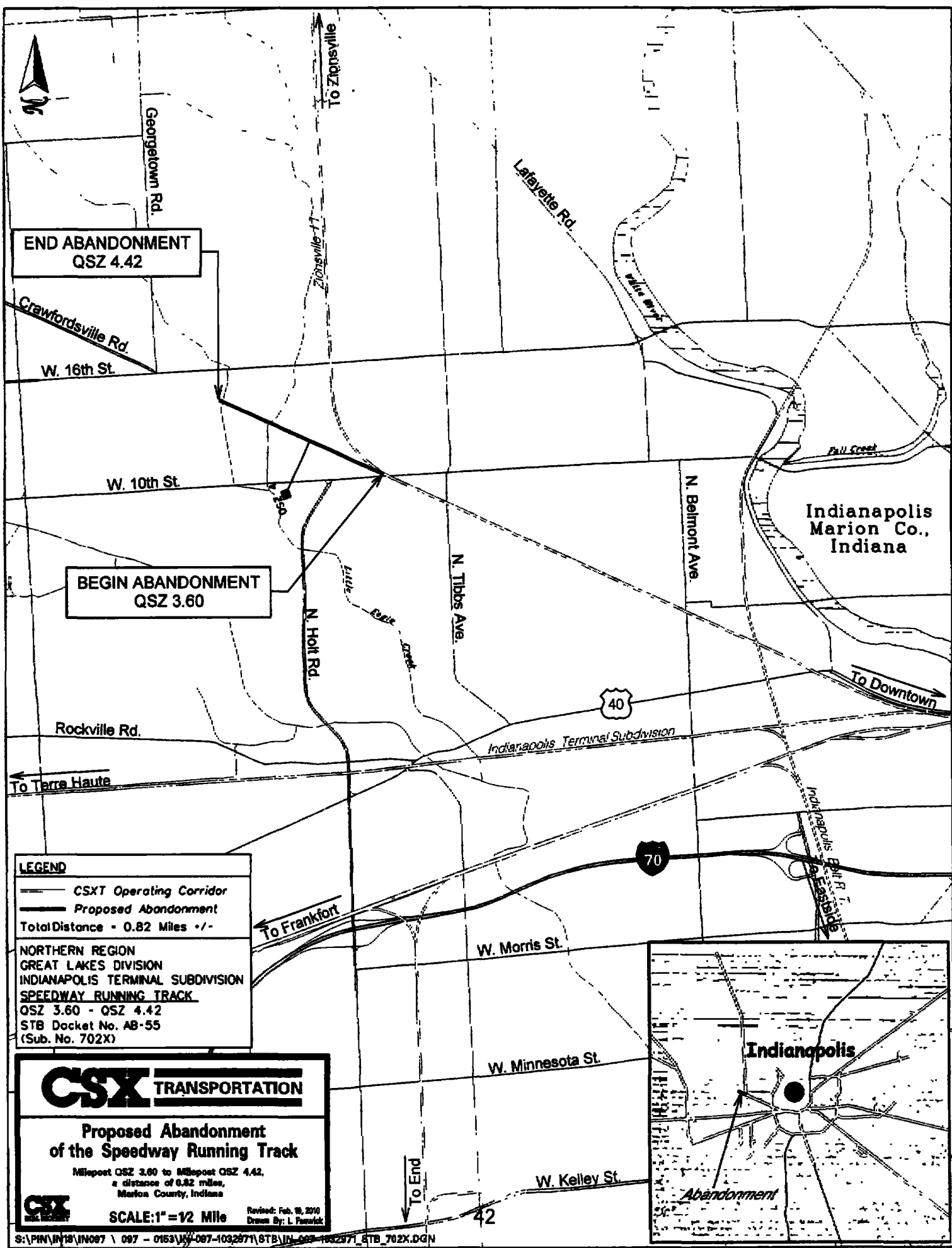
- (7) **An opinion (based on readily available information in the railroad's possession) as to whether the site and/or structures meet the criteria for listing on the National Register of Historic Places (36 C.F.R. 60.4), and whether there is a likelihood of archeological resources or any other previously unknown historic properties in the project area, and the basis for these opinions (including any consultations with the State Historic Preservation Office, local historical societies or universities):**

A review of our records indicates there are no CSXT-owned structures over 50 years old on this line segment that may be eligible for listing in the National Register.

We do not know of any archeological resources or any other previously unknown historic properties in the project area.

- (8) **A description (based on readily available information in the railroad's possession) of any known prior subsurface ground disturbance or fill, environmental conditions (naturally occurring or man-made) that might affect the archeological recovery of resources (such as swampy conditions or the presence of toxic wastes), and the surrounding terrain.**

The line was disturbed during construction by cuts and fill and any archeological resources that may have been located in the proposed project area would have been affected at that time versus during the proposed salvage operations associated with rail removal. Our records do not indicate that any swampy conditions exist, or that any hazardous material spills have occurred within the project area.



LEGEND


— CSXT Operating Corridor
— Proposed Abandonment
Total Distance - 0.82 Miles +/-

NORTHERN REGION
GREAT LAKES DIVISION
INDIANAPOLIS TERMINAL SUBDIVISION
SPEEDWAY RUNNING TRACK
QSZ 3.60 - QSZ 4.42
STB Docket No. AB-55
(Sub. No. 702X)

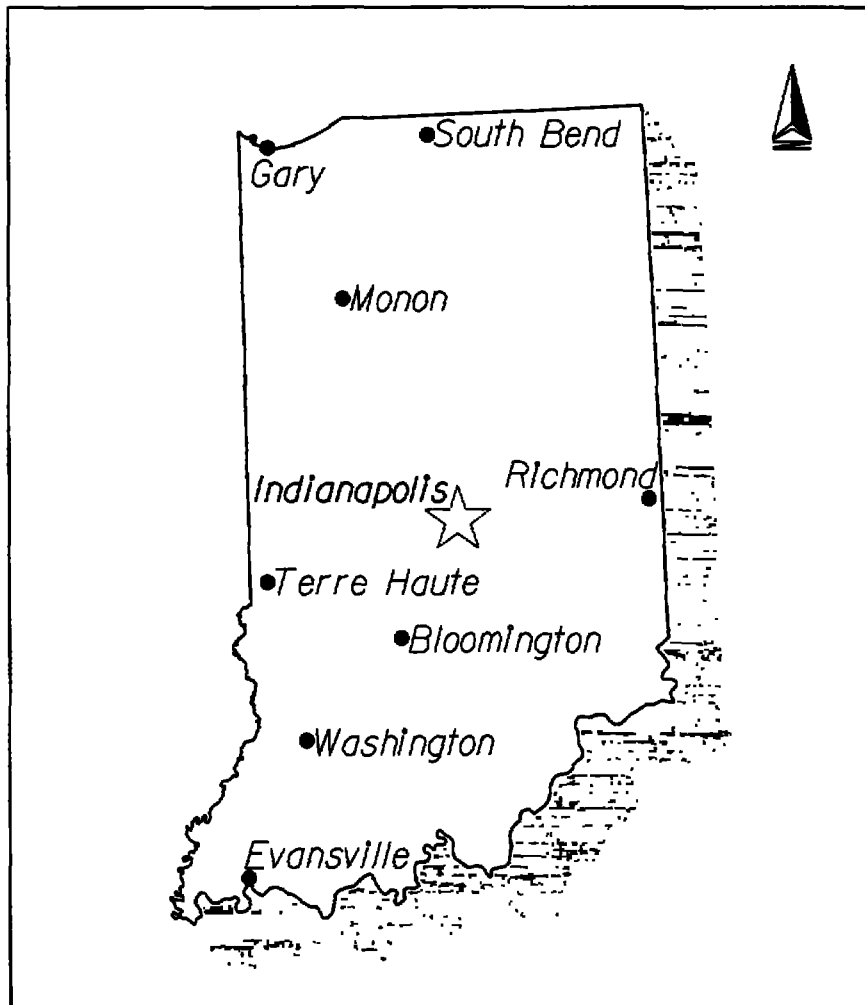
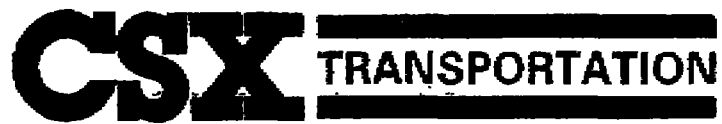
**TRANSPORTATION**

**Proposed Abandonment
of the Speedway Running Track**

Milepost QSZ 3.60 to Milepost QSZ 4.42,
a distance of 0.82 miles,
Marion County, Indiana

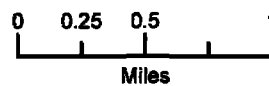
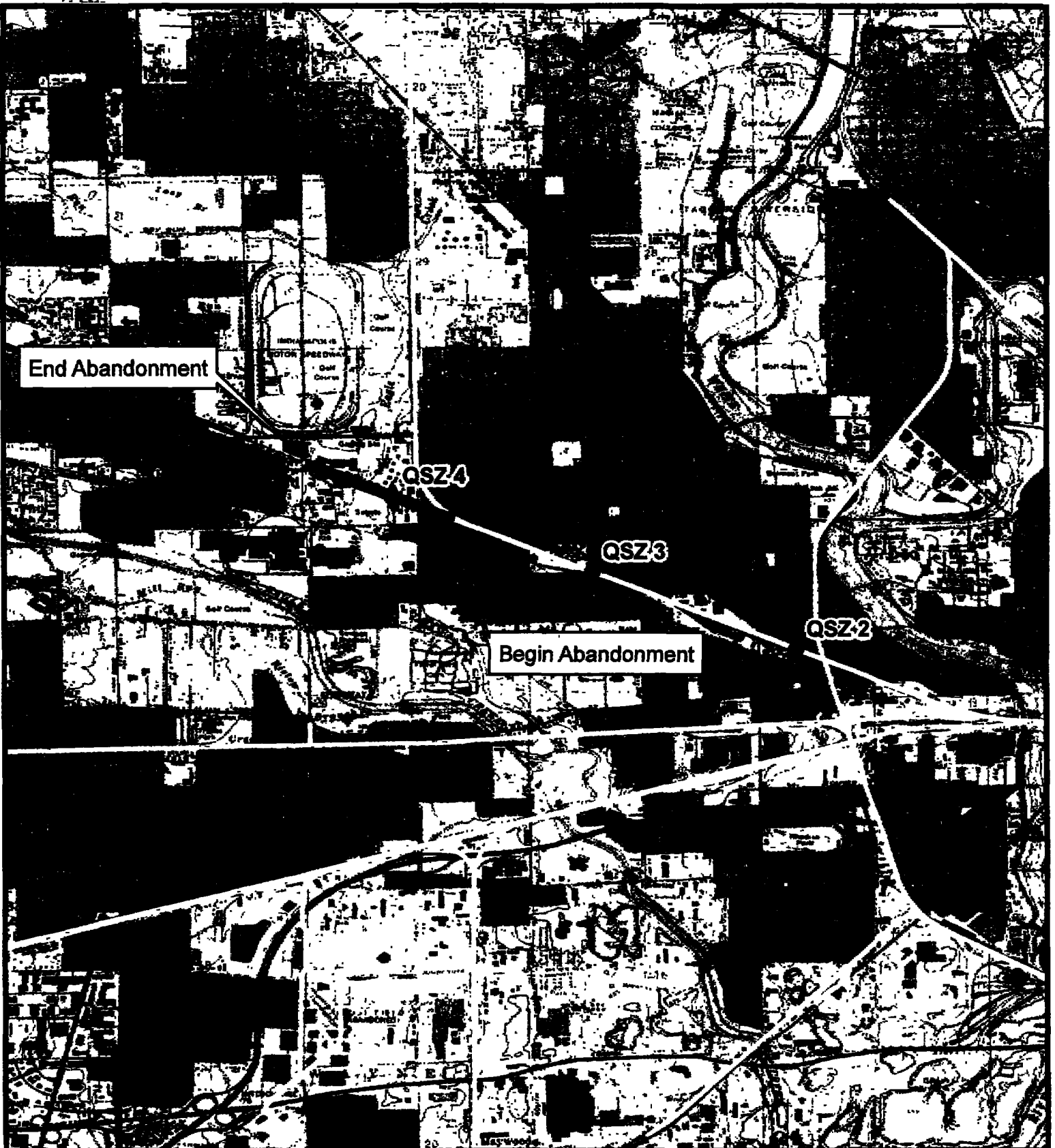
 **SCALE: 1" = 1/2 Mile**

Revised: Feb. 10, 2010
Drawn By: L. Penwick



AREA MAP

- Proposed Abandonment -
The Speedway Running Track
QSZ 3.60 to QSZ 4.42 - 0.82 Miles
City of Indianapolis, Marion County, Indiana



Legend

SUBJECT
CSX

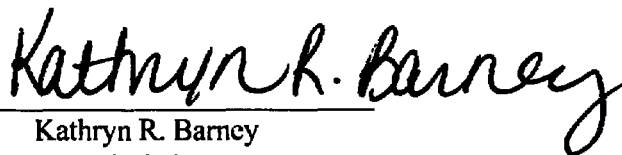
Approximate Latitude and Longitude at QSZ 3.90 (Olin Ave.)
 $N39^{\circ}46'54.33''$ $W86^{\circ}13'30.80''$
 Topo: USGS 24k Indianapolis West Quad (USGS_QD_ID: 39086-G2)
 Projection is: GCS_WGS_1984 - UTM Zone 16 (NAD83)

CSX
 REAL PROPERTY
 GIS MAPPING SERVICES
 Drawn By: L. Ferwick
 Rev. Date: Feb. 19, 2010

**HISTORIC REPORT
CERTIFICATE OF SERVICE**

Pursuant to the requirements of 49 C.F.R. § 1105.8(c) and .11, the undersigned hereby certifies that on March 15, 2010, a copy of the Historic Report in Docket No. AB-55 (Sub-No. 702X) was served on the below listed party, by first-class mail, postage prepaid:

Ms. Karie Brudis
Indiana State Historic Preservation Office
402 West Washington Street
Room W274
Indianapolis, Indiana 42604



Kathryn R. Barney
April 23, 2010

EXHIBIT D

FEDERAL REGISTER NOTICE

STB No. AB 55 (Sub-No. 702X)

Notice of Petition for Exemption to Abandon

On April 26, 2010, CSX Transportation, Inc. ("CSXT") filed with the Surface Transportation Board, Washington, D.C. 20423, a petition for exemption for the abandonment of a line of railroad known as Speedway Running Track, extending from railroad milepost QSZ 3.60 to QSZ 4.42, in the Northern Region, Great Lakes Division, Indianapolis Terminal Subdivision in Indianapolis, which traverses through United States Postal Service ZIP Code 46222, a distance of 0.82 miles, in Marion County, Indiana. There are no stations impacted by the proposed transaction. There are no stations impacted by the proposed transaction. The line does not contain federally granted rights-of-way. Any documentation in the railroad's possession will be made available promptly to those requesting it.

The interests of railroad employees of CSXT who may be adversely affected by the proposed abandonment will be adequately protected by the labor protective conditions as stated in Oregon Short Line R. Co. -- Abandonment -- Goshen, 360 I.C.C. 91 (1979). CSXT has requested the Board to grant an exemption from the offer of financial assistance process. If the exemption is not granted, any offer of financial assistance will be due no later than 10 days after service of a decision granting the petition for exemption. All interested persons should be aware that following abandonment of rail service and salvage of the line, the line may be suitable for other public use, including interim trail use.

Any request for a public use condition and any request for trail use/rail banking will be due no later than 20 days after notice of the filing of the petition for exemption is published in the Federal Register.

Persons seeking further information concerning abandonment procedures may contact the Surface Transportation Board or refer to the full abandonment or discontinuance regulations at 49 CFR part 1152. Questions concerning environmental issues may be directed to the Board's Section of Environmental Analysis. An environmental assessment (EA) (or environmental impact statement (EIS), if necessary) prepared by the Section of Environmental Analysis will be served upon all parties of record and upon any agencies or other persons who commented during its preparation. Any other persons who would like to obtain a copy of the EA (or EIS) may contact the Section of Environmental Analysis. EAs in these abandonment proceedings normally will be made available within 60 days of the filing of the petition. The deadline for submission of comments on the EA will generally be within 30 days of its service.

EXHIBIT E

CERTIFICATE OF PUBLICATION

The undersigned hereby certifies that notice of the proposed abandonment in Docket No. AB-55 (Sub-No. 702X) was advertised on April 22, 2010 in the *Indianapolis Star*, a newspaper of general circulation in Marion County, Indiana, as required by 49 C.F.R. § 1105.12.



Kathryn R. Barney
April 23, 2010

EXHIBIT F

Pursuant to 49 C.F.R. § 1152.60 (d), the undersigned hereby certifies that this Petition regarding the proposed abandonment in Docket No. AB-55 (Sub-No. 702X) was mailed via UPS overnight express mail on April 23, 2010, to the following parties:

State Public Service Commission

Indiana Department of Transportation
Rail Section
Attention: Michael Riley
100 North Senate Avenue
Room N955
Indianapolis, Indiana 46204

Military Surface Deployment and Distribution Command

Headquarters, Military Surface Deployment and Distribution Command
Transportation Engineering Agency
Attention: SDTE-SA (Railroads for National Defense)
709 Ward Drive, Building 1990
Scott AFB, IL 62225-5357

National Park Service

Rivers, Trails and Conservation Assistance Program
Attention: Mr. Rick Potts, Program Chief
1201 Eye Street, NW (Org Code 2220)
Washington, D.C. 20005
National Park Service

U.S. Department of Interior
National Park Service
Land Resources Division
1201 Eye Street, NW (Org Code 2220)
Washington, DC 20005

U.S. Department of Agriculture

U.S. Department of Agriculture
Chief of the Forest Service
4th Floor N.W., Yates Building
14th Street and Independence Avenue, S.W.
Washington, DC 20250

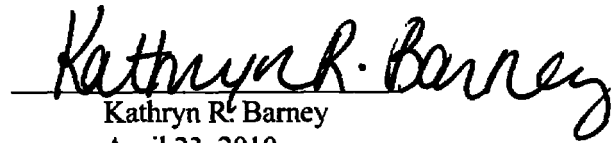

Kathryn R. Barney
April 23, 2010

EXHIBIT G

SUPPORT LETTER FROM HERITAGE/CRYSTAL CLEAN

[Please see attached]



January 7, 2010

Mr. Dave Geraci
Manager – Network Rationalization
CSXT Transportation, Inc.
500 Water Street, J200
Jacksonville, FL 32202

Dear Mr. Geraci,

Heritage Crystal Clean has been advised that CSX Transportation (CSXT) intends to seek approval from the Surface Transportation Board (Board) to abandon, and subsequently downgrade, a portion of its railroad from Railroad Milepost QSZ 3.6 to Railroad Milepost QSZ 4.42, known as the Speedway IT in Indianapolis, Marion County, Indiana.

Since CSXT is undertaking the proposed action to accommodate a potential post-abandonment lease of the track to Heritage Crystal Clean to allow for increased intra-plant operation and rail use, the proposed abandonment will not have an adverse impact on our rail service. We do not oppose the proposed abandonment.

We understand that you will submit this letter to the Board as part of the proceedings on the proposed abandonment.

Sincerely,

A handwritten signature in black ink, appearing to read 'Tom Hillstrom', is written over a horizontal line.

Tom Hillstrom, VP of Operations
Heritage Crystal Clean L.L.C.



Law Department
500 Water Street, J150
Jacksonville, FL 32202
TEL. 904-359-1305
EFAX. 904-245-3892
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KATHRYN R. BARNEY
STAFF ATTORNEY

Admitted in FL

April 23, 2010

Via Overnight Express Mail

Cynthia T. Brown
Chief of the Section of Administration, Office of Proceedings
Surface Transportation Board
395 E Street, SW
Washington, DC 20423

**Re: Docket No. AB-55 (Sub-No. 702X), CSX Transportation, Inc. —
Abandonment Exemption—in Marion County, Indiana**

Dear Ms. Brown:

Enclosed are the original and 10 copies of a Petition for Exemption for abandonment in the above-entitled proceeding and a filing fee of \$6,300. Also enclosed is a computer diskette containing the Petition.

Please time and date stamp the additional copy of this letter and return it to me in the enclosed self-addressed, stamped envelope. Thank you for your assistance.

If you have any questions please call or email me.

Sincerely yours,

A handwritten signature in black ink that reads "Kathryn R. Barney". The signature is written in a cursive, flowing style.

Kathryn R. Barney

Enclosures